

STATE OF MICHIGAN
BEFORE THE SUPREME COURT

IN THE MATTER OF:

HON. DAVID MARTIN BRADFIELD
Judge, 36th District Court
Detroit, Michigan 48226

DOCKET NO.
FORMAL COMPLAINT NO. 79

PETITION FOR INTERIM SUSPENSION

Pursuant to MCR 9.219(A)(1), the Michigan Judicial Tenure Commission (“Commission”), by its executive director and general counsel, Paul J. Fischer, requests this Court to order the immediate interim suspension of Hon. David Martin Bradfield (“Respondent”), currently a 36th District Court Judge in Detroit, Wayne County, Michigan. In support of this petition, the Commission states as follows:

1. On April 11, 2005, the Judicial Tenure Commission opened an investigative file upon notification that Respondent had engaged in an altercation with City of Detroit Deputy Mayor Anthony Adams, regarding parking near the 36th District Court.

2. The general allegations were that Respondent had engaged in belligerent and threatening conduct directed to Deputy Mayor Adams and his wife, who is 36th District Court Judge Deborah Ross Adams.

3. In the course of the Commission's investigation, it has received substantive and substantial support verifying the allegations against Respondent, including that on April 6, 2005, he:

a. Pulled his vehicle next to that of Deputy Mayor Adams outside of the 36th District Court, yelled a comment to the effect of "Who the fuck are you?" and threatened to "have [his] ass ticketed and towed" for parking in front of the court;

b. Shouted a second time that he was going to have Deputy Mayor Adams' "ass ticketed and towed;"

c. Rushed toward Deputy Mayor Adams and DiAnn Webb, Judge Adams' clerk, and grabbed Deputy Mayor Adams' shoulder while he was entering the judge's entrance to the court;

d. Called Deputy Mayor Adams a "mother fucker" and shouted that he was "street" and from "the hood," and was going to "kick [Deputy Mayor Adam's] ass," which Deputy Mayor Adams believed was an invitation to fight;

e. Repeatedly poked his finger into Deputy Mayor Adams' chest while he was shouting at him;

f. After leaving the area and returning several minutes later to find Judge Adams, Deputy Mayor Adams, Ms Webb, and a police officer

discussing the incident, began shouting at Judge Adams, and waving his hand in her face;

g. While waving his hand at Judge Adams, brushed her face with his finger;

h. While shouting at Judge Adams, referred to Deputy Mayor Adams as her “mother fucking husband;”

i. Continued to wave his hand in Judge Adams’ face, in spite of requests by her and by Deputy Mayor Adams for him to stop;

j. Shouted at Judge Adams that he would take Deputy Mayor Adams “to the street,” as Deputy Mayor Adams was from the street and Respondent was from the street, which Deputy Mayor Adams believed was another invitation to engage in fisticuffs;

k. During a meeting with Chief Judge Marylin Atkins and Judge Adams regarding the incident a short time later, continued to shout and act in a belligerent and angry manner; and

l. Misrepresented to Judge Atkins what had occurred near the judge’s entrance, as he stated that Deputy Mayor Adams had sworn at him and acted belligerent toward him, while Deputy Mayor Adams had not engaged in that conduct.

4. In the course of the Commission's investigation, it has received substantive and substantial support verifying additional allegations that Respondent engaged in a temper tantrum, including the use of foul language, when he discovered a parking spot was not reserved for him at the Gem Theater parking structure in October 2002, including that he:

a. Became angry and belligerent, and began shouting and swearing at a parking attendant, upon being advised that an agreement for reserved parking spaces for 36th District Court judges at the Gem Theater parking structure did not take effect until several days later;

b. Grabbed a document reflecting the agreement and threw it on the ground, in spite of an offer by the attendant to allow Respondent to park for the day in a space on the first floor reserved for the garage staff; and

c. Engaged in that conduct less than seven months after completing an anger management class which Respondent took as part of an agreement with the Commission to resolve Formal Complaint No. 66.

5. The attached affidavits of Deputy Mayor Anthony Adams, Judge Deborah Ross Adams, and Noah Howard Lee attest to the facts above.

6. The Commission initiated Formal Complaint No. 79 against Respondent based upon the incidents described above.

7. This is Respondent's third formal complaint relating to improper demeanor. The other complaints were resolved as follows:

a. Respondent was first disciplined by the Michigan Supreme Court as a result of an altercation in the parking lot of Fairlane Town Center, a shopping mall in Dearborn, Michigan, in 1994 (*In re Bradfield*, 448 Mich 1229 [1995], resulting from Formal Complaint No. 49). Respondent accepted a master's conclusion that Respondent acted in disregard for a security officer's safety when, against the officer's direction, Respondent accelerated his car into a disputed parking space and struck the officer with his car. The Supreme Court accepted the Commission's recommendation, and Respondent's consent, to a public censure.

b. Respondent was disciplined by the Michigan Supreme Court as a result of Formal Complaint No. 66, filed in 2000 (*In re Bradfield*, 465 Mich 1308 [2002]). Respondent was charged with acts of abusive demeanor, predisposition, abuse of discretion, improper determination of bond in drug cases, inappropriate conduct in landlord-tenant cases, and lack of candor to the Commission. He ultimately consented to a public censure and suspension without pay for thirty days. The agreement was based only on allegations that he was rude to a litigant and yelled at him without provocation, and failed to follow the Michigan Court Rules by refusing an

attorney's request to refer a request for Respondent's disqualification to the chief judge for review.

8. The April 2005 altercation has received publicity via a newspaper article in the Detroit Free Press on April 26, 2005, which also referred to Respondent's prior sanctions.

9. The public can have no faith in a judge who has repeatedly allows his temper to run amuck, is demeaning toward others, and has allegedly committed a crime by assaulting Deputy Mayor Adams.

10. Respondent's lack of respect for even his fellow judge and bench mate, Judge Adams, compounds Respondent's misconduct.

11. The purpose of the judicial disciplinary system is to preserve the integrity of the judiciary.

12. In order to maintain the public perception of fairness in the courts, in order to maintain the integrity of the judicial system, and due to the past discipline based on similar acts of misconduct, Respondent must be suspended pending final adjudication of the formal complaint.

WHEREFORE, the Michigan Judicial Tenure Commission respectfully requests that this Court enter an order suspending Respondent from his judicial position and from performing all judicial duties pending final adjudication of this formal complaint.

Respectfully submitted,

**JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN**

By: _____
Paul J. Fischer (P 35454)
Executive Director & General Counsel
3034 W. Grand Boulevard, Suite 8-450
Detroit, MI 48202
(313) 875-5110

Dated: June __, 2005

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